

REMARKS/ARGUMENTS

Applicants respectfully request reconsideration and allowance of this application in view of the amendments above and the following comments. Claims 19-34 were pending in the application. By this Amendment, claims 19 and 21 have been amended and claims 25-36 have been canceled. It is believed that no new matter has been added. Accordingly, claims 19-24 are pending.

Claim rejections under 35 U.S.C. 112, second paragraph

Independent claim 19 has been amended. Claims 20 to 24 either directly or indirectly depend on claim 19.

It is respectfully requested that the Examiner reconsider and withdraw this rejection.

Rejection of claims 19-24 under 35 U.S.C. 103(a) as being obvious over Suzuki et al in view of Middleton et al and Harrison

To establish a *prima facie* obviousness of a claimed invention, there must be some suggestion or motivation either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to combine the references together and all the claim limitations must be taught or suggested by the prior art reference (or references). M.P.E.P. § 2143.03

It is respectfully submitted that the Examiner has failed to make a prima facie case of obviousness for the reasons listed below. The claimed invention is directed to a method for treating immunosuppression of skin cells induced by UVB radiation, said method comprising topically applying to the skin of a person in need thereof an effective amount of certain flavonoids. As the Examiner acknowledges, Suzuki does not teach or suggest using certain flavonoids for treating immunosuppression of skin cells induced by UVB radiation. The other references fail to make up for the deficiencies listed in Suzuki. For example, it is believed that neither Middleton nor Harrison teach or suggest treating immunosuppression of skin cells induced by UVB radiation by use of certain flavonoids. If the Examiner believes either of these references specifically teach or suggest this, the Examiner should point out where in these references they specifically teach this. It appears that Harrison and Middleton talks generally about flavonoids having some general beneficial uses, however, there is nothing to indicate that the specific flavonoids claimed in the invention (see claim 19) for use treating immunosuppression of skin cells induced by UVB radiation is taught or suggested by the combined references. In support of the Examiner's position that the combined references render the claimed invention obvious, the Examiner seems to inaccurately assume that all flavonoids are the same and have the same specific beneficial uses as other flavonoids. It is believed that certain flavonoids have very different properties and different uses than other flavonoids. Thus, for all the reasons mentioned, the combined references fail to teach or suggest treating immunosuppression of skin cells induced by UVB radiation by the specifically claimed flavonoids in the claimed invention and there is no indication that this knowledge was

available to one skilled in the art. Thus, the Examiner has failed to make a prima case of obviousness.

It is, therefore, respectfully requested that the Examiner reconsider and withdraw this rejection.

CONCLUSION

Based on the foregoing remarks it is believed that the claims are in condition for allowance.

CONDITIONAL PETITION FOR EXTENSION OF TIME


If entry and consideration of the amendments above requires an extension of time, Applicants respectfully request that this be considered a petition therefore. The Assistant Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

Respectfully submitted,
NORRIS McLAUGHLIN & MARCUS, P.A.

By _____


Paul Lim
Attorney for Applicant(s)
Reg. No. 55,383
875 Third Avenue - 18th Floor
New York, New York 10022
Phone: (212) 808-0700
Fax: (212) 808-0844